

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Justin Matthew Kearse)
)
Certificate 262663)

**CONSENT ORDER OF
SUSPENSION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 9, 2016. On March 2, 2016, the South Carolina Department of Education (SCDE) sent notice to Mr. Kearse informing him that the State Board would meet to make a determination regarding the possible suspension of his educator certificate by regular and certified mail, return receipt requested. On March 9, 2016, after Mr. Kearse received the notice, his attorney informed SCDE that he reserved his right to request a hearing if an alternate resolution could not be reached concerning this matter. Following a meeting with his attorney and the SCDE Office of General Counsel, Mr. Kearse agreed to enter into a Consent Order of Suspension of his educator certificate 262663. He has also agreed to attend a SCDE approved course on Professional Ethics and Appropriate Boundaries. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Kearse's educator certificate for a period of one year commencing on August 9, 2016, and ending on August 8, 2017.

Justin
Matthew
Kearse
262663

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FINDINGS OF FACT

Mr. Kearse holds an educator certificate and has two years of teaching experience. He has no prior record of disciplinary action with the State Board. He began employment with the Richland County School District Two (District) in 2013. During the 2015-2016 school year, Mr. Kearse was employed as a ninth grade Social Studies teacher at Westwood High School (School). During an investigation into allegations that Mr. Kearse engaged in inappropriate communication with a female student at the School, Mr. Kearse admitted to becoming too close to the student. He resigned from his employment with the District on January 8, 2016.

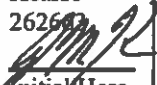
The District was notified of the inappropriate communication between Mr. Kears and the female student when the girl's father found a letter from Mr. Kears in her room. Mr. Kears admitted to writing the letter, as well to texting the student and communicating via Instagram. Mr. Kears has ceased all communication with the student and has expressed a desire to seek counseling in order to prevent any future teacher student boundary violations.

On March 2, 2016, the SCDE sent notice to Mr. Kears of the possible suspension or revocation of his educator certificate by regular and certified mail, return receipt requested. After Mr. Kears received the notice, his attorney informed SCDE that he reserved his right to request a hearing if an alternate resolution could not be reached concerning this matter. Following a meeting with his attorney and the SCDE Office of General Counsel, Mr. Kears agreed to enter into a Consent Order of Suspension of his educator certificate 262663. He has also agreed to successfully complete a SCDE approved course on Professional Ethics and Appropriate Boundaries. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Kears's educator certificate for a period of one year commencing on August 9, 2016, and ending on August 8, 2017.

CONCLUSIONS OF LAW

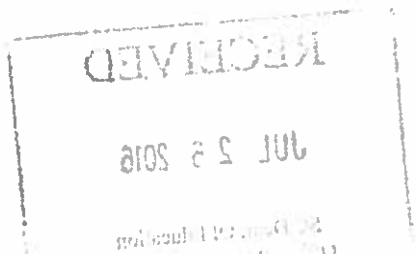
"The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004). The State Board finds that the evidence presented by the SCDE demonstrates that Mr. Kears engaged in unprofessional conduct as result of his inappropriate communications with a female student at the School. The State Board finds that the information presented supports its conclusion that just cause exists to accept the Consent Order of Suspension of the educator certificate of Justin Matthew Kears and to suspend Mr. Kears's educator certificate for a period of one year commencing on August 9, 2016, and ending on August 8, 2017.

Now, therefore, it is hereby ordered that the educator certificate of Justin Matthew Kears, certificate 262663, is suspended for a period of one year commencing on August 9, 2016, and ending on August 8, 2017. If Mr. Kears wishes to have his certificate

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reinstated at the conclusion of the period of suspension, he shall make a written request to the SCDE's Office of Educator Services and provide documentation of his successful completion of the SCDE approved course on Professional Ethics and Appropriate Boundaries. Mr. Kears shall be responsible for meeting all certification requirements in effect at the time he requests reinstatement and for the payment of any applicable reinstatement fees. The suspension of Mr. Kears's educator certificate shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.



Columbia, South Carolina
August 9, 2016

South Carolina State Board of Education

By:


Michael R. Brennan, Chair

I, Justin Matthew Kears, S.C. Educator Certificate 262663, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I agree that during the period of suspension, I will not serve as a volunteer in any type of educator role or be employed as an educator, paraprofessional, aide, substitute teacher, coach or in any other position in a public school in the State of South Carolina. I understand that the terms set forth in this Consent Agreement are not subject to reconsideration, collateral attack or judicial review. I hereby freely, knowingly and voluntarily agree to the suspension of my educator certificate by the South Carolina State Board of Education. I agree to the proposed Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the South Carolina State Board of Education on August 9, 2016.


Justin Matthew Kears

7/22/2016
Date